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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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GARCIA-RUIZ,

Plaintiff,

v.

,
Defendant.

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Case No. 17-cv-04855-JD

ORDER OF DISMISSAL

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This case was opened when plaintiff wrote a letter to the Court regarding prison condition. In an effort to protect his rights, it was filed as a new case. Petitioner was advised that he needed to file a formal complaint or habeas petition and was given twenty-eight days to do so. He also was sent a notice that he had not paid the filing fee or applied for leave to proceed in forma pauperis (“IFP”); again, he was allowed twenty-eight days to either pay the fee or file the application. A copy of the court’s form for applications to proceed IFP was provided with the notice, along with a return envelope.

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Plaintiff has sent a letter stating he did not intend to open a new case. This case is **DISMISSED** without prejudice and no fee is due. The clerk shall close the file.

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IT IS SO ORDERED.

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Dated: October 6, 2017

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JAMES DONATO
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GARCIA-RUIZ,
Plaintiff,
v.
,

Case No. 17-cv-04855-JD

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 6, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rogelio Garcia-Ruiz ID: J-53379
CTF NB WHA 217 UP
PO Box 705
Soledad, CA 93960-0705

Dated: October 6, 2017

Susan Y. Soong
Clerk, United States District Court

By: Lisa R. Clark
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO